

**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

**I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-11 are pending in this application. Claims 1, 9, 10 and 11 are independent. Claims 1-11 have been amended. No new matter has been introduced by this amendment. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled. Applicant submits herewith a substitute Specification, which corrects minor grammatical errors, and a copy showing the changes made. No new matter has been introduced. Applicant submits herewith a replacement figure 1 that includes 11e.

**II. 35 U.S.C. § 112 REJECTIONS**

Claims 1-11 were rejected under 35 U.S.C. § 112, as allegedly indefinite. Claims 1-11 have been amended, thereby obviating the rejection.

**III. 35 U.S.C. § 102(e) REJECTIONS**

Claims 1-4, 7-9 and 11 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over U.S. Patent No. 6,529,878 to DeRafael.

**IN THE DRAWINGS**

The attached sheet of drawing includes changes to Fig. 1. This sheet replaces the original sheet including Figure 1. In Fig. 1, previously omitted element 11e has been added.

Attachment: Replacement Sheet

Annotated Sheet Showing Change

#### IV. 35 U.S.C. § 103(a) REJECTIONS

Claim 5 was rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over DeRafael in view of Video Week (article, Video Notes). Claim 6 was rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over DeRafael in view of U.S. Patent No. 5,400,248 to Chisholm. Claim 10 was rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over DeRafael.

#### V. RESPONSE TO REJECTIONS

Applicant respectfully traverses the rejection.

Independent claim 1, recites, *inter alia*:

“...a contents market research apparatus comprising:

contents introduction information storage means for storing content introduction information for introducing said picture content to said pollee;

poll result counting means for discriminately counting said contents polling information entered by a predetermined pollee and said contents polling information entered by a general pollee; and

a display for displaying the business profitability when said content is commercialized on said display apparatus, and

a contents polling apparatus comprising:

contents introduction information receiving means for receiving said content introduction information sent by means of said contents introduction information sending means;

contents introduction information display means for displaying said content introduction information;

contents polling means for entering said contents polling information; and  
contents polling information sending means for sending said contents polling information entered by said contents polling means.” (emphasis added)

As understood by Applicant, U.S. Patent No. 6,529,878 to DeRafael et al., (hereinafter, merely, “DeRafael”) relates to a system and method for compensating users for responding to advertisements in an interactive manner poses questions for users and dynamically generates further questions in response to users' answers to previous questions.

Applicant respectfully submits that DeRafael fails to teach or suggest the above-identified features of claim 1. Indeed, Applicant submits that nothing has been found in DeRafael that would teach or suggest poll result counting means for discriminately counting said contents polling information entered by a predetermined pollee and said contents polling information entered by a general pollee, as recited in claim 1.

Thus, Applicant respectfully request that the rejection of claim 1 be withdrawn.

For reasons similar to those described above with regard to independent claim 1, independent claims 9, 10 and 11, which recite similar features, are also believed to be allowable.

## **VI. DEPENDENT CLAIMS**

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

## **CONCLUSION**

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,  
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FIG.1

